

MUSLIM PARTICIPATION IN KUFR POLITICS

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Bismillahir Rahmanir Raheem

SECTION ONE:

VOTING IN A NON-MUSLIM ELECTION

Our response to an article on this issue by certain Ulama

Having carefully perused the article compiled by the Ulama-e-Kiraam it is quite evident that the fatwa of permissibility to vote in the forthcoming elections has been based on two factors:

One, Hazrat Mufti Shafee sahib's {Rahmatullahi alaihi} exposition on the issue of voting, as published in Jawaaharul Fiqah, and two, the practices of some of the Akaahir Ulama-e-Deoband when the British were ousted from India in 1947.

Let us pursue the matter on the basis of these two factors.

Firstly, the above-mentioned article of Hazrat Mufti sahib (rahmatullahi alaihi) is no doubt a very expert and professional exposition of the matter under discussion, in which the entire issue was brought under the scrutiny of Shar'ee principles. Truly, a task which only Hazrat Mufti Sahib was capable of (may Allah fill his qabr shareef with noor). However, the context of Hazrat Mufti sahib's article differs from the circumstances that prevail in our political scene. Hazrat Mufti sahib's article was directed at an electorate which consisted entirely of Muslims. The candidates for government were all Muslims. Under these circumstances it would be Islamically true and correct to apply the usool which Hazrat Mufti sahib evolved, whereby we could testify or intercede on behalf of, or be represented by, Muslim leaders, some of whom even had quite sound Islamic morals and background. It should also be born in mind that according to the hadeeth shareef of Rasoolullah sallallahu alaihi

wasallam if the Imaam that has assumed control of the country is a faasiq, it will be completely lawful for Muslims to give him the pledge of allegiance (bay'at). In other words, a Muslim will be supported in spite of his fisq, but kufr cannot be tolerated¹.

So the article written by Hazrat Mufti Shafee sahib rahmatullahi alaihi is applicable in a Muslim country where all candidates are Muslims and there exists the strong possibility that certain candidates, should they come to power, would implement Islamic rule.

In the South African elections this of course would not be the case. There are no Islamic parties, and Muslim candidates. In our context these terms refer to parties and candidates who stand for the Shariah. The meaning here is not Islamic and Muslim merely in names. Above all, the whole constitution of this country is based on western, non-Muslim law. Therefore, the article of Hazrat Mufti sahib rahmatullahi alaihi should not be used sweepingly in our political context. At this juncture, we could do one of two things: we could either use the general principles laid down by Hazrat Mufti sahib as regards to voting and see if their application in a non-muslim political set-up is permissible, or we could deal with this matter from an entirely different angle.

Lets consider the first. According to Hazrat Mufti sahib, voting constitutes one of three Shar'ee principles:

Testimony (Shahaadat), Intercession (Shafa'at, or Representation (Wakaalat). Shahaadat in the form of a vote means that the Muslim voter testifies to the credibility of the non-Muslim candidate. He bears evidence that the non-Muslim candidate has 'the capability and qualifications to govern and rule. Surely such evidence, in our elections, would be false, since the first requisite of leadership is

¹ I'laa-us Sunan 12:618 of Hazrat Moulana Zhafar Ahmed Thanwi rahmatullahi alaihi, quoting from Muslim Shareef and Naylul Owtaar.

Islam, which is, obviously not found in a non-Muslim. In addition, adaalat is also a requisite for a leader². Evidence of this nature is therefore tantamount to *Shahaadatuz zoor*, which is haraam in the Shariah.

It should be noted here that Islam regards leadership of a country to be the highest post granted to an individual in this world and such government in fact acts in the capacity of Almighty Allah's vicegerent, being the authority responsible for the administration of the Divine Shariah. Hence Islam, along with adaalat is a pre-requisite for such a high post.

Intercession through voting means that the voter earnestly wants leadership of government (in this particular case) to be granted to the non-Muslim candidate. This entails tacit approval of whatever type of law or government the non-Muslim will implement, including all unjust, un-Islamic forms of legislation. This is without doubt *shafa'ate sayyi-ah* as described by The Quran-e-Kareem. One whose intercession is for a good cause receives his share of the reward for that good, and by the same token one whose intercession occurs on behalf of evil-doers who will perpetrate injustices and rule in conflict fill the Law of Quran will also carry the blame for such wrongdoing. (See Qurtubi 5:295 and Ma-aarifur Quran 2:498)

The same could be said about representation. The Muslim voter appoints a particular non-Muslim party as his/her representative to act on his/her behalf. The agent (wakeel) is of course one who acts on behalf of his principal (muakkil). The wikalat in the context of voting is of a general nature (mutlaq) by virtue of which the wakeel has the right to act as, how and when he deems it appropriate and necessary. Here too, the Muslim voter has in essence given the non-Muslim candidate and his party an open mandate to implement the form of government they feel appropriate and expedient. For a period

² Reference for this will appear further on insha-Allah

of five years thereafter the voter has no choice but to stand by and witness the wrongs perpetrated by the party of his choice. The Muslim is therefore guilty of awarding implicit consent and agreement to all un-Islamic policies enacted by the non-Muslim government. The similitude of this in fiqh is like a muakkil appointing a wakeel to commit a haraam act, either explicitly or implicitly when he is aware that his wakeel is prone to commit that particular unlawful act. Clearly such wikaalat is haraam in Islam. It should also be remembered that basically Kufr is one millat, and all parties involved are bound by a constitution totally foreign to Islam.

It is therefore clear that the principles so expertly devised by Hazrat Mufti Shafee Sahib rahmatullahi alaihi must essentially be applied to Muslim candidates and parties in an Islamic state, which is the original context of Hazrat's treatise.

We now study the question of casting votes for a non-Muslim party from an entirely different viewpoint. Voting in a general election (which is the subject matter of our discussion) is actually the process of electing a government. And this is by no means new to Islam, as any student of Deen will testify. The process of electing a leader has been very clearly defined and expounded by The Shariah. Whereas in Shariah the bay 'at or pledge of allegiance is offered verbally and practically by the clasping of the hands, in the method invented by the West this pledge is expressed through the ballot. The votes in an election process represent the approval and consent of people to have the candidate as their leader, and by placing a cross next to his or her party's name they are actually indicating their full support and allegiance to that leader. The ballot has come to be used as a means of expressing approval and allegiance to a particular party or candidate. In short, voting is merely an innovative way introduced by non-Muslims, of electing the head of state.

Once this fact has been established, it is quite obvious that Islam has devised its own method of electing a leader, a method which can be proven from categoric proof (nusoos) and which has been employed

by all our great pious predecessors (salf-e-saaliheen). Since Islam has its own alternative to the practice of the ballot it goes without saying that Muslims are bound by the Shariah to adopt the methodology and system of Islam. If Muslims are in a position to implement the Islamic electoral procedure, it becomes wajib upon them to do so. Where only the system of the kuffaar exists and no need or exigency exists to indulge in such a process, it devolves upon them to abstain therefrom. (About this need or expediency more will be said later on Insha-Allah.) Though we are quite sure the Ulema-e-kiraam are well acquainted with these aspects of Islamic political theory, we shall however cite a few noteworthy points from some of the books of fiqah on this subject.

THE INSTITUTION OF KHILAAFAT IN ISLAM

The election of a leader (or Khilaafat) in Islam is not merely a mashroo' act, it is in fact an injunction accorded the status of wujoob. And that too, among the important waajibaat of Islam, so much so that it even takes precedence over the burial of the former leader. The Books of Aqaa'id and Fiqah are quite clear on this issue. Since this is a wajib institution in Islam, it will necessarily be accompanied by a prescribed method and procedure, like all other wajib and fardh injunctions, such as salah, zakah, hajj, jihad, etc. There are conditions and regulations attached to this important duty, and these are mentioned very elaborately in the books of fiqah.

The Fuqaha have described leadership of state as *Imaamat-e-Kubraa*³, the major imaamat, in contrast to *Imaamat-e-Sughra* or minor Imaamat which applies to salah. This type of Imaamat has been ordained by Allah as a representation of the office of Nubuwwat as regards to the safeguarding and management of all Deeni affairs. The establishment of such an office in the Ummat is wajib according to *Ijmaa'* or the consensus of all Ulema. However,

³ Raddul Muhtar (Shaami) 1:548 (Karachi print)

the wujoob here is alal kifayah, so if a few assume and subsequently fulfil this responsibility, the rest will be absolved⁴.

ESTABLISHING THE OFFICE OF IMAAMAT

In the institution of Khilafat or Imaamat two groups play an important role: one is the *Ahlul Ikhtiyaar* or those who will elect the Imaam or head of state. In modern day terms we could refer to this group as the electorate or constituency; the other is the *Ahlul Imaamat* or the candidates; those who will be chosen for this office⁵. There are conditions which have to be present for each group before they can be considered eligible to fulfil their respective tasks. For the *ahlul ikhtiyaar* the following conditions are compulsory:

1. Adaalat - Moral uprightness and integrity, as explained in the books of fiqh.
2. Knowledge - whereby one is able to discern the qualifications and requisites for Imaamat in a candidate.
3. Wisdom and experience in political matters⁶.

The above three conditions are unique in that they ensure all-round protection for the Ummah. In adaalat it is ensured that the "voter" will be qualified to elect a leader and will do so with utmost sincerity, with the interests of the Ummah at heart. Ilm enables one to establish the credentials and qualifications of a candidate and thereby ensures that a suitably qualified man is placed at the helm of this Ummat's affairs. Experience and wisdom in politics ensure worldly or material benefit.

⁴ (Al-ahkamus-sultaniyyah of Allama Abul Hasan Ali bin Muhammad Mawardi (d.450) page 5.)

⁵ Ibid

⁶ Al-Ahkaam p.6.

Conditions for Imaamat

According to the unanimous decision of the Ulema, the one being elected to Imaamat must be: **A Muslim, adult, male, free person (not in bondage), sane, knowledgable on Islamic matters, experienced and prudent in political affairs, courageous and brave, in possession of all faculties of physical perception, sound and healthy in body and limb**⁷.

Some have stipulated the condition of adaalat or uprightness in character and morals. However, according to the Ahnaaf Ulema if a faasiq is appointed to this post, such an appointment is valid, but to do so without a Shar'ee reason is a major sin. If the removal of that faasiq from the post of imaamat does not result in fitnah (strife, anarchy and breakdown of law and order) then it becomes wajib upon the *ahlul ikhtiyaar* to dismiss him and appoint someone fit and qualified for this position. Otherwise, such a faasiq's rule will be tolerated in the interests of peace and security in the country⁸.

It is thus very clear that Islam has its own elaborate procedure of electing a leader of state. When we compare the above-mentioned Shar'ee procedure with the voting system of non-Muslims we immediately realise the great difference between the two. The Shariah has meticulously defined certain conditions for one who "votes", or elects a leader. In the western system of voting none of these conditions is found. In the ludicrous democracy of the kuffaar, any person, of whatever state of mind and moral disposition, can vote a candidate into parliament, even if he does not have the faintest notion as to the ability and qualification of that candidate. Merely on the basis of pecuniary gain, or some short term benefit, political parties are given the vote. The gravity and far-reaching consequences of such an ill-conceived system have not yet sunk into the minds of

⁷ Shaami & Durre Mukhtaar 1:548; Al-Ahkaam p.6.

⁸ I'laa-us-Sunan 12:618.

people. The whole situation has developed into a major farce, the ill-effects of which are being witnessed daily, world-wide. It is not conceivable that such a system would be allowed to operate in a true Islamic state, and our understanding of the fiqhi rulings on this matter militates against its acceptance or adoption.

Glancing at the conditions which apply to the candidate, the disparity between the two systems appears even more glaring and conspicuous. At the very outset Imaamat cannot be established in favour of a non-Muslim⁹. As explained earlier, the ballot signifies the voter's approval for the party next to whose name he puts his mark. This means that should that party win the elections by a clear majority, the voter has put its leader into power. Voting therefore entails election of a leader. We do not see how it is Islamically legal or lawful for a Muslim to bring into power, through the medium of his vote, a non-Muslim party and its leader.

Similarly, a woman cannot be elected to the post of Imaamat. Compare this to the policy of so-called democratic governments in outlawing discrimination on the grounds of religion and sex. A more thorough study of such policies will reveal many other ideas or practices which conflict with our Shariah.

The election of an Imaam (head of state) is an important task in Islam, upon which rests the function of all major departments of the Deen. It has to be looked at in this light.

There are two ways in which an Imaam is elected to power:

1) By nomination and/or appointment of the outgoing or former head of state, such as was done by Sayyiduna Abubakr Siddeeq radhiyallahu anhu when he appointed Hazrat Umar radhiyallahu anhu as his successor, and by Hazrat Umar radhiyallahu anhu when

⁹ I'laa-us-Sunan 12:617

he nominated the committee of six (Uthman, Ali, Abdur Rahman bin Auf, Talha, Zubair and Sa'd bin Abi Waqqaas radhiyallahu anhum) from whom his successor was to be elected¹⁰.

2) By election of *Ahle Hall wa Aqd* (earlier referred to as Ahlul Ikhtiyaar)¹¹.

If a leader usurps power through force, such as a coup d'etat, and his rule and law are implemented throughout the country, such leadership automatically becomes recognised as valid and authentic, and it is then the duty of all to pledge allegiance to him¹².

Here again it must be noted that a non-Muslim's rule over Muslims is not recognised in Islam and is therefore invalid. This is proven from the following verse of The Holy Quran:

"And never shall Allah grant power, domination to the unbelievers over the believers"

A faasiq's rule and domination are recognised, in spite of being unlawful, as explained earlier on.

Ahle hall wa aqd refers to such members of the Muslim community who are prominent in Deen, experienced in political matters and upright in character. It is not a condition that they be Ulama in the technical sense of the word, but they must possess that amount of knowledge which is fardh. The number of such a group does not matter much. According to most Fuqaha they must be at least five in number, and this is based on the practice of Hazrat

¹⁰ Al Imamah was-Siyaasah by Allama Ibni Qutaiba rahmatullahi alaihi (213-286) p.24.

¹¹ Shaami 1:549.

¹² Ibid

Umar radhiyallahu anhu when he nominated six people who will mutually select one of them for the khilaafat¹³.

Some Fuqaha are of the view that even one aadil, pious person can select the man of his choice for khilaafat, and if the selected person is fully qualified, such a selection will be valid. The basis of this is the sole induction by Hazrat Umar radhiyallahu anhu of Hazrat Abubakr radhiyallahu anhu to the khilaafat at a time when the Sahaaba were still busy discussing the issue in the Saqeefa Bani Saaida. Upon Hazrat Umar taking the initiative, the rest of the Sahaaba followed suit. Hazrat Umar's practice was thus supported by the consensus of the Sahaaba radhiyallahu anhum¹⁴.

This is in stark contrast to western democracy where elections are decided only through majority vote, and that too, the ignorant masses. The western system of democracy is just not compatible with the Divine system of Islam.

THE PRINCIPLE OF BALIYYATAIN OR TWO EVILS

Undoubtedly this is a valid and well known principle of fiqah which needs no explanation. Whether this principle applies fully here is, in our opinion, debatable for the reasons that follow.

The term baliyyah or ibtilaa signifies an unavoidable crisis, wherein one is faced up with one of two options. If such a situation develops that a Muslim is torn between two evils, both of which are unavoidable, and as such he is forced to choose between either one then most certainly this fiqhi principle will apply. In the coming general elections of this country the Muslim is not facing a situation where he will be compelled to select either of two evils. If the elections will be truly democratic, as is claimed, then the right to

¹³ Al-Ahkaam pp.6,7

¹⁴ Ibid.

vote is the prerogative of the individual. No one is forced to vote. So the question of ibtilaa does not apply. By opting not to vote, one is merely exercising one's democratic right. Here there exists an alternative, the option to abstain, which is what this article intends to present to the readers. It may be argued that the factor of ibtilaa does indeed exist due to the danger that becomes imminent should the party 'hostile' to Islam win the elections and not the party sympathetic to our cause. In answering this we firstly need to be explained the nature of this hostility or danger. Does there indeed exist such danger which will allow us to adopt a practice alien to Islam? Secondly, we would like to point out that the leaders and hierarchy of certain political organisations have given clear assurances that they would allow religious freedom, that "islamic personal law" would be incorporated into the judicial system of their government, etc. Since the major parties contesting the elections give pious assurances of upholding the concept of freedom of religion, the issue of baliyyatain (two evils) does not arise. We have not been placed in a situation compelling us to choose the "lesser evil". When such a situation develops, the need will arise to firstly determine which party is the "lesser evil".

If these assurances are regarded as hollow utterances merely intended to woo voters and to appease the electorate then let it be said that through The Grace and Mercy of Allah the Muslim Ummah in South Africa has never ever been dependent upon such promises of compromise and condescension. Such levels of recognition has never yet been accorded to the ahkaam of Islam in the past, yet the Deen of the Ummah continued to thrive and no fear existed in the hearts of the believers. This has been proven through experience. So even if any future government fails to introduce such measures as recognising our personal law, etc. it will not change the status quo that has existed in the ummah for the past centuries.

Hence, there are no grounds upon which the principle of ibtilaa or "opting for the lesser of the two evils" could operate. There does not seem to be any dhuroorat or necessity whereby an unlawful act

may be legalised in the Shariah. Furthermore, for the above usool to be freely operable the impending "evils" or "dangers" must be thoroughly defined and spelt out. These should not remain only as a figment of our imagination. Only then can we justifiably adduce proof for the permissibility of voting from verse 28 of Surah Aale Imraan, where Almighty Allah makes the exemption: "*....except if you fear from them some danger.*" We have pointed out above that voting represents election of a leader of state or government, and Islam, the eternal Deen of Allah, has given us a clear and specific method of electing a leader, thus precluding us from adopting any other system or method.

If any fear does exist in our minds, it is the breakdown of law and order, civil strife, etc. in the country that may follow the elections. This fear exists even in the hearts of non-Muslims, and will even affect them too, and is not subject to whether we vote, or for whom we vote. For this we have to implement a stringent program of tableegh and taleem to urge Muslims to turn to Allah and seek His Divine aid¹⁵, for only this can save us from the punishment that has ravaged and destroyed other nations and communities throughout the globe.

Along with *Inaabat ilallah* (turning in repentance and remorse unto Allah) we should also encourage Muslims towards physical preparation and defensive awareness, since the world is *aalamul asbaab* where material agencies have to be utilized in accordance with the Guidance of the Shariah. We are sure all will realise that such a terrible situation is not regulated or directed by voting or

¹⁵ We have a beautiful precedent for this in the Hijrat to Abyssinia by the Sahaaba-e-kiraam. When King Najaashi went into battle against his enemies, the Sahaaba were all busy making earnest and sincere dua before Allah to grant victory to the King. The full story comes in section two of this booklet.

abstention. May Allah protect us through His Infinite and Divine Aid, Ameen.

The above points are logical and religious reasons for Muslims abstaining from the elections. A further logical argument to prove that our voting remains politically insignificant is the fact that we are a very small minority, and this minority is exacerbated by the deep divisions in the Muslim community. A large percentage of Muslims are inclined towards the ANC, while many others may vote for the NP. (This article was written at the advent of the transformation of the political system from one system of kufr to another system of kufr). Some may have other allegiances. It is therefore quite clear that our votes will not have any bearing on the outcome of the elections. Looking at the matter strictly from a worldly or political standpoint, this seems even more so because of the overwhelming numbers favouring one particular party.

Be that as it may, we come back to our main theme, which was to prove that besides voting being an un-Islamic practice, it is not permissible for Muslims to participate in the law-making process of the non-Muslims, which is what elections are all about. Muslims should therefore be encouraged to abstain.

This, in our opinion, is an incumbent Islamic duty, as is the shunning of any act or practice which does not conform to Islamic teaching and doctrine.

The permissibility of *Mudaaraat*, *Muaamalaat* (subject to certain conditions) and *Muwaasaat* is in no way affected or impinged upon by the views expressed in this article. All these types of Islamic behaviour could and should still be maintained even if Muslims abstain from casting their votes. On the other hand, the permissibility of these factors can in no way be construed as license or Shar'ee permission to participate in voting, or electing a non-Muslim government.

Looking at the ahadeeth of Rasoolullah sallallahu alaihi wasallam we find a unique comparison between what the Noble Messenger of Allah taught to his Sahaaba and the situation in which we find ourselves today. We quote the relevant hadeeth shareef here.

Hazrat Huzhaifa bin Yamaan radhiyallahu anhu narrates a hadeeth wherein Rasoolullah sallallahu alaihi wasallam discussed the evil and corruption that will bedevil this Ummat in latter times. He says: I then said: 'What do you advise me to do should these evil times overtake me, O Prophet of Allah?' The Holy Prophet of Allah sallallahu alaihi wasallam replied: "*Cling fast to the Muslim jama'at and their Imaam.*" I then asked: 'And if they do not have any jama'at nor an Imaam?'

He said: "*Then disassociate yourself from all those parties, even if you have to cling fast to the root of a tree, until death overtakes you whilst you are in this state.*"¹⁶

The application of this hadeeth shareef in our times is very appropriate. It is as if the Holy Prophet of Allah sallallahu alaihi wasallam had foreseen the arrival of circumstances wherein Muslims would be tempted to join parties who in some way or other would be the cause of great fitnah (evil, corruption and anarchy). There is absolutely no ambiguity in the guidelines presented to us by Rasoolullah sallallahu alaihi wasallam in this hadeeth shareef. The Imaam mentioned in this hadeeth means the Muslim ruler, and the jama'at refers to those who have united under the leadership of such an Imaam.¹⁷

In the light of this interpretation, the proper import of the hadeeth becomes apparent. In other words, in the absence of a Muslim political ruler and his following, Muslims are ordered by Rasoolullah

¹⁶ Bukhari Shareef 2:1049 (Kilahul Fitān).

¹⁷ *Fathul Baari* of Allama Ibni Hajar rahmatullahi alaihi, 13:37

sallallahu alaihi wasallam to break entirely away from other political parties, all of whom have served to fragment and disunite the Ummah.

Imam Ibni Jareer Tabari, commenting on this hadeeth, says: "When there exists no Imaam (leader) among Muslims and people have broken up into factions and parties, one should not follow any of these factions. Instead, one should remain aloof from all of them if possible, for fear of falling prey to evil."¹⁸

Allama Ibni Hajar comments: "A lesson to be taken from this hadeeth is the condemnation of people who invent a basic principle for Deeni practice which is contrary to the Quran and Sunnah, and then make both these scriptures subservient to that fabricated principle (i.e. they expound the laws of Quran and Sunnah according to their concocted reasoning)."¹⁹

These evidences establish the stance we have adopted of non-participation and total abstention in the political arena.

THE ACTIONS OF THE AKAABIR-E-DEOBAND IN BRITISH RULED INDIA

We now proceed to examine the second basis for the fatwa of permissibility to vote in non-Muslim elections. Undoubtedly the situation here in South Africa at present very closely resembles the state of political affairs in India at that time. However, just as we quote the statements and practices of those who participated in the Congress Party's movement against British Colonial-ism, we must not lose sight of the fact that there were prominent Ulema who also vehemently disagreed with the actions of these Akaabir, solely on the basis of Shar'ee Dalaa-il. Looking back at the events that

¹⁸ Ibid

¹⁹ Ibid

unfolded in India during that critical period of its history, there are some invaluable lessons to be learnt. We narrate here two malfoozhaat (sayings) of the late Hazrat Moulana Maseehullah rahmatullahi alaihi in connection with the political situation in India at that time.

Malfoozh no. 1:

Someone once said to Hakeemul Ummat Hazrat Moulana Ashraf Ali Thanwi rahmatullahi alaihi: "Why do you not participate in the struggle, when your pious predecessors stood up and fought?"

Hazrat Hakeemul Ummat replied without hesitation: "You saw them standing up, but I saw them sit down (and refrain from such politics)!"

This indicates that eventually there came a shift in the policy of even those who initially stood up against the British. We believe this shift of policy surely must have some Shar'ee significance and basis.

Malfoozh no. 2:

Some months after India gained independence, its first Prime Minister, Jawaharlal Nehru, along with some of his Cabinet Ministers, came to Deoband to visit Hazrat Moulana Husein Ahmed Madani rahmatullahi alaihi. During their struggle for freedom Nehru had great respect and admiration for Moulana Madani, both of whom were key figures in the All India Congress party. When they arrived at Hazrat Maulana's residence in Deoband, they sought permission to enter. One of the aides of Hazrat Madani brought him the news that Nehru and his party had come to see him. Moulana Madani gave him the following message to convey to Prime Minister Nehru: "Tell him I do not wish to see the face of a Munaafiq (hypocrite)!"

The Prime Minister, obviously taken aback by this scathing remark, made several further requests for an audience with Hazrat,

but each time the reply was the same. Eventually Nehru and his party had to go back dejected and scorned, with this stern retort still ringing in their ears.

This episode should leave no doubt in anyone's mind as to the major shift which occurred in the policy of the very Akaabir Ulama who were embroiled in the struggle for independence, towards participation in non-Muslim politics. We do not intend reviving the debate as to which group among our akaabir was justified in the stance they adopted, nor do we wish to go into the details of this ikhtilaaf. All these great people are our seniors whom we respect and revere. Suffice to say however, that in spite of the Muslims joining the Congress party and aiding them to evict the British, at the end of the day they (the Musalmaan Ummat) had to suffer the worst brutality and cruelty ever in the history of India. The very day of independence the Muslims experienced one of the worst outbreaks of violence. Muslim blood was literally flowing in the street gutters. According to Hazrat Moulana Maseehullah rahmatullahi alaihi, one of the Ulama who was in the forefront of the political struggle alongside the Hindus had to flee Delhi and barely managed to avoid the murderous Hindu mobs on his way to Deoband. When these Hindu savages were reminded by their Muslim victims that: "We too were with you in the struggle for freedom", the answer they shouted back was: "Yes, certainly, but after all you people are still Muslims!"

This resultant bloodshed proves what The Holy Quran has time and again warned Muslims of:

"O people of Iman! If you will follow the unbelievers they will turn you back on your heels (i.e. away from your Deen) and then you will return as losers. Instead, Allah is your Friend and He is the Best of Helpers." (Aale Imraan, verses 149, 150.)

"O people of Iman! Do not take bosom friends besides your own (believers). They (the unbelievers) will leave no stone

untuned in pursuit of your destruction. They desire that which will harm you. Hatred has already become apparent from their mouths, but what their hearts conceal is even worse. "
(Aale mraan, verse 118)

It is unfathomable how, under such traumatic circumstances, could it be claimed that these great Ulama freed the masses from the shackles of tyranny and oppression, when the tyranny and violence only really started after independence. By the same token, it is difficult to comprehend how Ulama who are presently members of the Congress party could claim to be safeguarding Islam and the interests of Muslims in India when this decade has seen some of the most violent scenes of carnage and destruction perpetrated on Muslim communities. When experience has time and again shown that occupying such positions is pointless and futile, what Islamic or for that matter, worldly justification is there for further participation?

Furthermore, participation of the Ulama in hindu politics does not constitute a Shar'i daleel. We are not obliged by the Shariah to offer Taqleed to the opinion of the Ulama who had participated in the politics of the idol-worshippers. To say the least, it is insipid and childish to counter our Shar'i dala'il with the acts and opinions of Ulama who had deemed it expedient to throw their lot with the mushrikeen of India.

As regards to the Ulama who fought in Shaamli and other areas, we would prefer calling their struggle a Jihad, which it truly was, rather than a fight for freedom and justice. Furthermore, that jihad was not in collusion with Hindus; instead, it was based strictly on Shar'ee principles to establish Allah's Law.

With reference to the Fataawa cited in the article we would like to point out that all these fataawa have based the permissibility of involvement in politics on the hope and/or assurance of benefit, aid and stability being granted to the Muslims by the party for which

they have voted. One might ask: Were these benefits and ideals forthcoming under the new Hindu leadership in India?

On hindsight we say without fear of contradiction that it certainly was not. The above citations are enough proof of this gruesome reality. In fact, the Muslims were in an infinitely better position under British domination because the latter constituted the "lesser evil".

In the context of South African politics, we fail to see what benefits of significance, without which we may suffer in Deen or dunya, will accrue to the Muslims in voting for one party or another.

TO SUMMARIZE:

Voting in a general election is a method devised by non-Muslims to elect a government. Our Shariah has, through the agency of Rasoolullah sallallahu alaihi wasallam ordained its own singular system of electing a leader of state or Shar'ee government and this issue has been discussed at length and in much detail in the books of fiqh. It therefore behoves a Muslim that, the path alien or foreign to his religion should be avoided at all costs in order to earn the Pleasure of Allah. The Quran-e-Kareem declares: *"What, do they seek the law of Jahiliyyah? And who can be superior to Allah in Law, for a nation who has yaqeen."* (Surah Maaidah)

We concede however, that on the basis of the fiqhi rule "Necessity legalizes unlawful acts", should there exist a valid Shar'ee necessity to vote (such as the presence of an Islamic party who would be able to implement some form of Islamic leadership upon coming to power) then voting would not only be lawful, but encouraged. It has yet to be conclusively proven that the necessity to vote exists to such a degree whereby a non-permissible act can become lawful, or that some valid, tangible benefit will accrue to Muslims as a result of their vote. As explained above in detail, we have an option through which we can avoid involvement in the non-permissible act, and that is to abstain from voting. As

regards to the fear of harm befalling Islam or Muslims, should such fears materialise, the cause of it can in no way be attributed to abstention from voting.

We seek Allah's protection, but should there occur a breakdown of peace and stability in the country, its effects will ripple through communities who voted as well as those who abstained. We once again emphasise the importance of encouraging the sleeping Ummah to awake from its slumber and embark on both a spiritual and a physical state of preparedness and awareness before it is too late. Rather this, than debating the issue of whether Muslims should vote and whom should they support in the coming elections.

AND ALLAH KNOWS BEST, FOR HIS KNOWLEDGE IS ABSOLUTE.

A malfoozh of Hakeemul Ummat Moulana Ashraf Ali Thanwi rahmatullahi alaihi:

A man once asked Hakeemul Ummat the following: "Hazrat, if there is a person who is an expert in political affairs, but he is a non-Muslim, what is wrong if we follow him in purely political matters?"

Hazrat replied:

"The example of this is exactly like that of a non-Muslim who is well versed in the method of salaah, while other Muslims are not so well versed. So, will it be permissible to follow him in salah? The basis of the misunderstanding here is that people do not regard politics as Deen. This alone is a major error and gross ignorance of Deen. Politics is also Deen. Having such ill-conceived notions is tantamount to claiming that Islam does not teach politics. What a great fabrication in Deen this is! So how can it be possible to follow a non-Muslim in Deen? Furthermore, is this (following a non-Muslim and urging other Muslims to do so) not humiliating to Islam and Muslims? Can anyone point out or explain how such belittling of Islam and Muslims can ever be permissible? And what, is there no

such person among Muslims who is versed in politics? Yes, it will be permissible to join the unbelievers and work with them in such a manner that they always remain subservient and obedient to the Muslims." Islaahul Muslimeen p. 181.

Section Two: KUFR POLITICS AND MUSLIM FEAR

The Holy Quran declares:

"Most Certainly, the earth belongs to Allah. He grants it to whomsoever of his servants He wishes." (Surah A 'raaf aayat 128)

The earth belongs to Allah Ta'ala. The appointment and dismissal of rulers and governments are by The Decree of Allah Azza wa Jalla, The Sovereign of the universe. The rise and fall of political kingdoms and empires are by The Command of Allah Ta'ala. This is part of Islamic belief with which no Muslim has the right to differ. He also says in The Quran Majeed: *"Say (O Muhammad): O Allah! Master of Sovereignty, You grant dominion (political power) to whomever You wish and You snatch away dominion from whomever You wish."* (Surah Aala Imraan, aayat 26)

Since this is the belief which Islam propagates, the Muslims should understand that they have no choice in the matter of the appointment of a government in this non-Muslim state inhabited by the handful of Muslims.

RULERS

The fear and anxiety which are gripping many in the community are the consequences of having turned away from Islam. In the wake of transgressions of Muslims, fear has been divinely imposed over them. The overriding fear is: What will happen after the elections? The fear which Muslims have nowadays for worldly governments is much greater than the fear they have for even Allah Ta'ala. In fact, their gross disobedience to the laws of Allah Ta'ala indicates that they are entirely devoid of fear for Allah, hence they violate the Shariah without compunction. In consequence of their rebellion, they are becoming enslaved to the political systems of the kuffaar. They

do not know who the rulers will be tomorrow, therefore, they dwell in a state of fear and uncertainty. Will it be a white kufr government or a black kufr government? This is their concern. Their concern is not to gain the pleasure of Allah Ta'ala.

Muslims fail to understand that no matter how they endeavour to woo and appease the political party of their choice, such a party cannot protect them from the Punishment of Allah Ta'ala.

ALLAH'S ATHAAB

When the Decree of Allah's punishment is issued, no political party will be able to stave it off. In fact, Allah's Athaab at times assumes the form of Zulm manifested at the hands of the kuffaar rulers. When Allah Ta'ala has decided that a certain government shall execute His Punishment, so shall it be. The fact that Muslims had voted for that government will not avail them. But, on account of extreme weakness of Imaan, Muslims fail to perceive and comprehend this reality which The Quran and Hadeeth propound.

FOR WHOM TO VOTE?

Everyone seems to have lost their Islamic bearings, hence Muslims fail to understand simple Islamic facts. Why are the forthcoming elections in this country befogging the thinking of Muslim? Why are they so much concerned about the future government which will assume power? The concern is plainly fear which is the result of an extremely slack bond with Allah Ta'ala. Whomever Allah Ta'ala will install will be the government of the day. We have no choice in the matter. In this country there were many elections which were none of our concern. Even the forthcoming elections is none of our concern. There is no need to ask: 'For whom should we vote?'

Muslims should understand that they will not be asked to appoint an Islamic government. A non-Muslim political system is in conflict with the Shariah. The laws which will be promulgated by any non-

Muslim government will necessarily be un-Islamic and in conflict with the Shariah. Muslims cannot be a party to any such government.

The system of voting, especially for a non-Muslim government, is un-Islamic. It is haraam for Muslims to vote for kuffaar and even Muslims who are fussaag. All Muslims who are presently occupying prominent governmental positions are fussaag, communists, athiest or neo-athiests – the likes of the Wadis, Kathradas, Meers etc. Voting should therefore not be of any concern to Muslims. As far as elections and the politics of non-Muslims are concerned, we should remain detached. We have no share in the appointment of a non-Muslim government or even a government operated by fussaag Muslims.

PARTICIPATION

Abstention from kuffaar politics is a religious requirement. It is not motivated by any ill designs for any of these parties. But abstention from participation in their politics does not preclude dialogue with whoever constitutes the government of the day. We cannot escape the fact that we are living in this country ruled by non-Muslims. Discussing and having dialogue with the government to secure better rights and concessions for Muslims are permissible. Such dialogue is not participation in non-Muslim politics in the same way as trading with non-Muslims is not participation in non-Muslim economics. Should Muslims indulge in Riba and in all the baatil trade practices of the kuffaar, then such action will be participation in and adoption of kuffaar economics.

Similarly, talking to a non-Muslim government in an endeavour to safeguard the welfare and the interests of Muslims, is not participation in their politics. But, voting for a non-Muslim government will be part of the law-making process and is clearly participation in kuffaar politics, which is not permissible.

DEMOCRACY

Islam does not condone the system of government known as democracy which in reality is mob-rule. Nevertheless, the votaries of democracy should have no squeals when Muslims abstain from voting because in terms of their own conception of democracy, every citizen has the democratic right of abstention. If voting is by intimidation and coercion, the system will cease to be democratic. In a democracy the individual is supposed to be free to vote or abstain. Our abstention is ordered by Deeni demands which a government professing the policy of freedom of religion should respect. The fears which Muslims therefore have are baseless and spawned by their flagrant violation of Allah's Commands. In consequence Allah Ta'ala has filled our hearts with the fear for this one and that one.

CHANGE OF GOVERNMENT

When non-Muslim governments change, it is simply a substitution of one system of injustice with another system of injustice. No non-Muslim government will accommodate Islam nor is this expected of them. Muslims have to order their lives according to Islam in a non-Muslim country as best as they can. As long as Muslims refuse to transform their spiritual and moral lives of decadence, they will witness their self-oppression and injustice materializing in the form of oppressive non-Muslim governments. If Muslims wish to change their worldly condition for the better, it is imperative that they change their own moral and spiritual states of corruption and walk the path of Divine Pleasure by offering their full submission to the Sunnah of Rasoolullah sallallahu alaihi wasallam. Allah Ta'ala will then do the rest for us.

With our present state of moral and spiritual degeneration we cannot hope for our worldly status and condition to change. We must expect to be trodden on and abused by others. The Holy Quran declares:

"Allah will never change the condition of people as long as they do not change what is within themselves." (Surah Ra'd, ayat 11)

If Muslims persist to maintain their internal state (moral and spiritual) in corruption and decadence, they should not expect Allah's aid to come in our support. They should not expect Allah's protection against the atrocities which a cruel and oppressive government will unleash. Muslims should become alert and heed what is happening to Muslim communities elsewhere. There exists a conspicuous link between the brutality they are suffering at the hands of non-Muslims and their own state of moral depravity. In short, the zulm of the kuffaar is a form of Allah's punishment for a people who have gone beyond the confines of no return. When Muslims destroy their Imaani fibre by participation in and adoption of non-Muslim ways of life, sinning flagrantly and justifying their life-style of corruption, then the Ghadhab (Wrath) of Allah becomes halaal for them.

THE SOLUTION

The solution for the ills of Muslims is nothing other than the complete adoption of Islam. With moral and spiritual elevation will come divine aid which will infuse power into the weakened hearts of the Muslims. Submission to Allah's Law will kindle the dormant Noor of Imaan and wonders will happen. Everything is in Allah's power and control. For Him nothing is wonderful. All forces of creation operate by His direction. It is only for us to engage ourselves in our Islaah (moral reformation). This should be our concern, not voting and not participation in kuffaar politics. Should we refuse to do so, then a time will come when heeding will be too late. The Holy Quran states:

"And turn to Allah in repentance and submit fully to Him before there comes to you the (dreadful) punishment. Then you will not be aided. (Surah Zumar, aayat 54)

There is no other way for Muslims but this Quranic prescription of obedience to Allah, everything else will be in vain. If Muslims are not prepared to accept the Quranic solution, but seek protection

behind the skirts of some non-Muslim political organization, they will soon be sorely disappointed. It is Allah Ta'ala who sends oppressors against us to inflict His punishment on us. The Glorious Quran states:

"When the first of the two promises materialized, We sent against you (O Muslims) such of Our servants who were powerful and cruel. Thus they penetrated the homes (of Muslims). And that was a Decree which had come to pass. " (Surah Bani Israel, verse 5)

When the Ummah during the times of the Bani Israel flagrantly disobeyed Allah Ta'ala, He sent against them powerful and cruel kuffaar armies which ravaged, plundered and pillaged the Muslims and their homes. This very same Sunnah of Allah Ta'ala can be observed even today in a number of places all over the globe where Muslims are suffering under kuffaar zulm and brutality. It is imperative that Muslims wake up from their miserable slumber of evil.

ALLAH'S HELP

What doubt can Mu'mineen entertain regarding the Divine Promise of aid? The Quran says:

"Most certainly Allah will aid those who aid Him" (Surah Hajj, aayat 40)

In other words, those who aid Allah's Deen by adopting Islam as their way of life, will most assuredly be aided by Allah Ta'ala. But, our wanton disobedience has cancelled Divine Aid. We wonder why Allah Ta'ala is not aiding Muslims suffering under kuffaar oppression. But we do not wonder over our own state of corruption and moral decadence. We are not concerned with our own rebellion against the Shariah. When haraam, fisq, and fujoor have become our way of life, how can we expect the Nusrat of Allah Ta'ala? Allah Ta'ala declares with emphasis in the Holy Quran: *"In fact, Allah is*

your Protector and He is the best of Helpers." (Surah Aala Imraan, aayat 150)

When the Mu'min has Allah on his side as his helper, what fear is there which is deranging the mind and causing an imbalance in the heart? But, the fear will be perpetuated as long as our transgression continues. As long as the Muslim lives in emulation of the kuffaar, he will never develop yaqeen in the promises which Allah makes in the Quran Shareef. He then looks askance to the kuffaar hoping against hope for the protection of aliens, but, he will be rudely shocked into realization. He will understand the reality when it will no longer avail; when it is too late for amends. We have made them our leaders, hence Allah has made them our rulers.

MUSLIM DOMINATION

Muslim power and Muslim domination are not dependent on numerical superiority nor on the possession of an abundance of superior technology. Muslim might depends on the obtaining of Allah's Pleasure which could be achieved only by climbing the spiritual ladder. When Muslims have attained the desired degree of moral and spiritual elevation, then Allah's promise of aid will materialize. The Glorious Quran says:

"Soon will your Rabb destroy your enemies and install you as rulers in the land. Then will He see how you behave." (Surah A 'raaf aayat 129)

When Muslims learn to behave Islamically, they will see the change which they wish for. How a small and insignificant community can acquire political dominance should not be our worry. That is left to Allah Ta'ala. He enacts every episode on earth and elsewhere in the creation. The Holy Quran says: *"There were many small groups who vanquished large armies with the permission of Allah."* (Surah Baqarah, aayat 249)

Thus the need is to purify and build our Imaan. The need is not to worry about voting. The need is not to participate in the systems which stand in conflict with the Shariah. Our direction to follow is not hazy. Siraatul Mustaqeem is a clear path for Muslims to follow. The verdict of the Shariah is clear: Do not participate in alien politics-politics which conflict with Allah's Shariah. Turn to Allah Ta'ala. Reform your moral life. Develop yourself spiritually. Become an embodiment of virtue and see the transformation which Allah Ta'ala will effect.

May Allah Ta'ala remove the blindness from our contaminated hearts and souls, Aameen yaa Rabbal aalameen.

Section Three: ANSWERS TO ARGUMENTS IN SUPPORT OF PARTICIPATION IN NON-MUSLIM POLITICS

Nabi Yusuf alaihis-salaam and Fir'oun's government:

Among the spurious arguments used by certain modernist organizations to justify participation in non-Muslim politics, one is the appointment of Nabi Yusuf alaihis-salaam as Administrator of the country's Treasury and resources under the leadership of the Fir'oun of his time.

The proponents of non-Muslim politics argue that since Nabi Yusuf alaihis-salaam accepted a post in the government of Fir'oun without waiting for the Egyptian people to denounce paganism and embrace Islam, it follows that Muslims should not be hesitant to involve themselves in non-Muslim politics. They further claim that Nabi Yusuf's "seizing of the most important post in Fir'oun's government" was designed to establish an Islamic state.

Our reply:

The postulations made in this claim are really devoid of any substance. In fact they are laughable. Firstly, it must be noted that the term Fir'oun was a title used for all Kings of Egypt in the past. There were some 34 Kings of Egypt that bore this title. The King in the time of Nabi Yusuf alaihis-salaam was not the same Fir'oun who ruled in the time of Nabi Moosa. For this reason, some Ulama aver that the Fir'oun of Nabi Yusuf was a pious person who had embraced the Deen of Islam.²⁰ In that case, the whole argument of political involvement in a non-Muslim government falls flat on its face.

Secondly, on the assumption that this Fir'oun was a pagan or non-Muslim, the Ulama say that Nabi Yusuf had a completely free reign in managing and administrating the finances and food supplies of the country. He could act independently, and was not under any obligation to the Fir'oun. As a result of such freedom and control, no law of the Shariah of that time was flouted. Nabi Yusuf was at liberty to manage the affairs of his department in total conformity to his Shariah as revealed in that era.²¹ This is a far cry from the present political dispensation in non-Muslim governments. They have their own man-made constitutions, based on kufr policies, and all who serve in their governments are compelled to abide by such policies. We therefore fail to understand how this appointment of Nabi Yusuf alaihis-salaam could be used as an analogy for participation in non-Muslim government and politics.

In fact, it was due to Nabi Yusuf being able to fulfil his official tasks and duties in accordance with his Shariah, that proved his ability and competence to rule and later on earned him the entire Kingdom of Egypt.

²⁰ Al-ahkaamus-sultaniyyah p.75; Ma-aariful Quran 5:91.

²¹ Ma-aariful Quran 5:92; Qurtubi 9:215.

In today's age of spiritual decadence, it is indeed very remote, in fact highly impossible to find a Muslim who can enter the field of non-Muslim politics and at the same time keep his Deeni principles intact, let alone effect an Islamic evolution in such governments. Hence, we have no hope of emulating the divinely orchestrated achievement of Hazrat Yusuf alaihis-salaam. No matter how great the feeling a Muslim may have for his Deen, under non-Muslim rule one is always heavily restricted in applying the Islamic concept of politics and government. Should such a situation develop today where a Muslim will be allowed to operate any governmental department in accordance with his Shariah then it would not only be permissible, but wajib for a Muslim to secure such a post. This however, is mere wishful thinking, as experience has shown.

The Holy Quran has given us clear guidance on this matter. It says:

"And whosoever does not rule according to what Allah has revealed, such people are unbelievers. (Surah Maa-idah)

In the next two verses such people are described as *"oppressors and transgressors"*.

"And when you dispute in any matter, its decision lies with (the Law of) Allah." (Surah Shooraa, aayat 10)

"And whatever the Rasool of Allah brings to you, grab hold of it; And whatever he prohibits, abstain therefrom;" (Surah Hashr, aayat 7)

"And when it is said unto them: 'Come towards that which Allah has revealed and towards (the teachings of) his Rasool', you see the hypocrites turning completely away from you." (Surah Nisaa, Aayat 61)

Rasoolullah sallallahu alaihi wasallam said:

"There is no obedience to the creation in disobeying the Creator."²²

"What is wrong with people, they stipulate conditions and clauses which are not found in The Book of Allah! Any condition not found in the Book of Allah is null and void, be there a hundred such condi-

²² Faizul Qadeer by Allama Manawi 6:433.

*tions. The Law of Allah takes precedence (over any other Law), and the conditions stipulated by Allah are most perfect (for practice).*²³

Whatever the circumstances may have been under which Nabi Yusuf accepted a post in a non-Muslim government, the fact of the matter is that we, the Ummat of Nabi Muhammad sallallahu alaihi wasallam, are fully obliged to follow his Shariah, comprising of the Quran-e-Kareem and Hadeeth shareef. Upon the advent of Rasoolullah sallallahu alaihi wasallam all former Shariahs were abrogated, as the above citations amply demonstrate.

Al halful fadhool:

Another argument in support of political participation under non-Muslim government is the pact known as *Al halful Fadhool*. This was a pact taken during the period of jaahiliyyah, about fifteen years before nubuwwat. This pact came about as a result of an incident in which a trader from Yemen, of the Zubaid tribe, came to Makka to sell his wares. Aasi bin Waa-il, a businessman of stature and influence among the Quraish, purchased his goods but refused to forward payment. The Zubaidi trader tried his utmost to extract his due from the Quraishi nobleman, but to no avail. When all efforts to secure payment had failed and he was in danger of losing all his wealth, the Zubaidi trader went up onto Mt. Abu Qubais from where he raised a hue and cry, calling out to the people of Makka for justice to be done. Senior members of the Quraish tribe came out to investigate the matter. Eventually these chiefs prevailed on the Quraishi business, who then effected immediate payment. This incident however, was quite disturbing to the Quraish chiefs. They subsequently gathered in the house of one Abdullah bin Jud'aan and formed a mutual agreement, declaring solidarity with each other in securing the dues of people and aiding those whose rights have been withheld in the manner just witnessed. Rasoolullah sallallahu alaihi

²³ Bukhari Shareef vol.1 p.377 (Kitabush Shuroot).

wasallam, who was at that time about twenty five years old, was also among them and pledged his support for this pact. Several years later, alluding to this incident Rasoolullah sallallahu alaihi wasallam remarked:

*I witnessed (at that time), in the house of Abdullah bin Jud'aan, a pact which was dearer to me than the most beautiful of camels. And if I have to be invited to such a pact in Islam, I would most certainly respond.*²⁴

The proponents of non-Muslim politics claim that just as Rasoolullah sallallahu alaihi wasallam, in the course of this pact, aligned himself with the Quraish, who were kuffaar at that time, to stamp out oppression and injustice, so is it permissible for Muslims to participate in the politics of the kuffaar. Moreover Rasoolullah sallallahu alaihi wasallam expressed his inclination towards such an alliance even during the Islamic period.

Our reply:

The analogy employed here is wholly incorrect. The pact referred to was an event which transpired prior to the revelation of Allah's Religion, Islam. At a time when the Arab world was plunged in darkness and oppression Rasoolullah sallallahu alaihi wasallam was only too willing to participate in a venture which would ensure the fulfilment of huqooq or rights of people whom were wronged. This was the natural inclination of Rasoolullah sallallahu alaihi wasallam since childhood. In fact, as he grew up in the surroundings of Makkah Mukarrama Nabi Muhammad Sallallahu alaihi wasallam earned a reputation of being one who cared for the poor and needy, helped the oppressed, and so forth. This great act of aiding the needy and extending help to the oppressed is the cornerstone of Islamic A'maal, hence Rasoolullah sallallahu alaihi wasallam applauded this pact so highly many years later. It should be

²⁴ Seerat Ibni Hisham, Rowdhul Unuf 1:90; Al Ahkaamus-sultaniyyah p.79; Al bidayah, Ibni Katheer 2:270.

noted here that in his praise Rasoolullah sallallahu alaihi wasallam was not referring to the act of participating in a joint venture with the kuffaar. Instead, his compliments were directed at the contents of that pact, which, per se, were deeds of great virtue. For this reason The Noble Messenger of Allah Sallallahu alaihi wasallam expressed his readiness to respond to a pact of that nature in Islam. This clearly means that he would prefer Muslims to initiate and organise such a pact, rather than joining kuffaar.

The basis upon which this pact was founded is in essence pure Islamic teaching. The entire pledge known as *halful fadhool* was based on practices totally in conformity to Islam. How then can we use this as a basis to justify participation in a system which is in total conflict with our Shariah? How can we as Muslims participate and become party to a law-making process which will enact laws and ordinances that Islam will have no hesitation in condemning as open zulm and usurpation of rights, such as the un-Islamic institution of Ribaa, haraam taxation, expropriation of property, etc.? Whether the present regime remains in power, or an entirely new government is elected, the fact remains that none of either would represent the law of Islam, nor can this be expected of them. Any subsequent government will represent the law of kufr, over which no alliance or pact is Islamically permissible.

The *halful fadhool* never represented an agreement on any un-Islamic practice, whilst participation in non-Muslim politics is an alliance based on anti-Shariah policies and law. Upon the perfection of the Deen of Islam, Rasoolullah sallallahu alaihi wasallam upheld the good and noble practices which existed in the times of jaahiliyyah, hence he states in one hadeeth shareef:

"Those who were the best among you during the jaahiliyyah era are the best during Islam, provided they obtain fiqah (of Deen)."
(Bukhari, Muslim - Mishkaat p. 417)

Today, should the need arise for such a pact which is based on practices conforming to our Shariah, it would be entirely lawful for Muslims to enter into such a pact with non-Muslims, as long as no law of the Shariah is flouted and our Islamic identity is retained.

Forging an alliance in which un-islamic and anti-Shariah practices will occur is condemned in the following verse of the Quran-e-Kareem:

"And aid each other in good and piety, but do not assist each other in sin and transgression" (Surah Maa-idah, verse 2).

The hijrat of Sahaaba to Abyssinia:

Another argument in favour of political participation in a non-Muslim government is the hijrat of the Sahaaba-e-Kiraam to Abyssinia where they sought and received asylum under the wing of King Najaashi (radhiyallahu anhu). The supposition here is that Najaashi was a non-Muslim (of the Christian faith) and the Sahaaba emigrated there to seek political asylum. Hence, participating with non-Muslims in a politically motivated venture or scheme becomes lawful.

Our reply:

Such superficial and shallow argumentation does not really warrant a reply. The fallacy of the argument presented here is self-evident and glaring. What has politics to do with this emigration, which was solely to escape the persecution of the Quraish in Makka and be able to practice their faith? The Sahaaba were not political figures. They were not involved in a political struggle against the Quraish of Makka. Rasoolullah sallallahu alaihi wasallam time and again reminded the Quraish that he had not come to usurp power from the leaders.

The Sahaaba's migration to Abyssinia and their request for protection in that country was not due to any political reasons. Taking refuge in Abyssinia was the lesser of the evils. The first evil was to live under a cruel, oppressive mushrik government in Makkah and be subjected to persecution and torture. In addition, they could not perform even Salat in public. They had to conceal their Deen.

The other “evil” was to live under the protection of a benevolent, pious king of the Ahl-e-Kitab who accorded them honour, respect, protection and the full freedom to practice Islam.

It should be abundantly clear that the presence of the Muslims in Abyssinia was not participation in kufr politics. Rather, it was seeking refuge in a friendly country without participating in its politics. Since they knew of the noble reputation of King Najaashi, Rasoolullah sallallahu alaihi wasallam felt the best course to avoid the persecution of the kuffaar was to seek the protection and sanctuary of his kingdom. For this reason the Sahaaba never became embroiled in the politics of his country, nor even in the battles that Najaashi waged against his enemies. Take the following example:

Hazrat Umme Salma radhiyallahu anhaa (who was among the people that had migrated to Abyssinia) narrates: "When we had settled comfortably in Abyssinia, we found ourselves in a good land and in good company. We could worship our Lord in peace, until one day enemy forces arrived to confront King Najaashi and his people. We had never yet experienced a bigger threat than this. We said to each other: -'If the opposing King defeats Najaashi, he (the enemy) will not grant us the same rights as were accorded to us by Najaashi'. We then all made sincere dua that Allah grant victory to Najaashi. When the battle commenced Hazrat Zubair bin Awwaam radhiyallahu anhu volunteered to act as an observer and bring us the outcome of the conflict. In the meantime we all continued our supplications in earnest before Allah. After some time we noticed a rider splashing across the river Nile waving a cloth. It was Zubair bin Awwaam. As he approached he shouted out to us: "Good news! Allah has granted victory to Najaashi, and has destroyed his enemies, and Allah has once more established the rule of King Najaashi over Abyssinia."²⁵

²⁵ As-siyarul Kabeer of Imam Muhammad bin Hasan Shaibani rahmatullahi alaihi, vo 1.4 p. 1424.

Furthermore, for argument's sake, even if we do accept political participation in this hijrat, the historians are unanimous that Najaashi had embraced Islam during the period that the Sahaaba were under his protection. Therefore, whatever support the Sahaaba gave to King Najaashi was based on the Deen of Islam.²⁶ This should amply demonstrate that this incident can in no way be used to prove political participation by the Sahaaba in a non-Muslim government. Living under the rule and shelter of a non-Muslim government (as we find ourselves here in South Africa) cannot by any stretch of the imagination be construed as participation in the political policies and legislation of the government of the day.

Does voting represent approval for the policies of a non-Muslim government?

Some have argued that voting for any political party does not constitute approval for the religion or beliefs of that party, nor does it signify that the voter has aligned himself with all the policies of that party. So, on this basis there should be no harm in voting.

In response to this we say:

While voting may not denote acceptance or ratification of any party's aqaa-id (beliefs), the same cannot be said with regard to political policy and legislation. The electoral process entails voting into power a government that would enact and implement laws which are in direct conflict with the Shariah. When a Muslim therefore votes he automatically becomes one of the contributors to the political cause of the party for whom he has voted, a cause that is founded on anti-Shariah principles. Through the medium of his vote he has aided and abetted a non-Muslim party in its rise to state authority. Moreover, by casting his vote for a particular party the Muslim has actually vested in that party legislative rights, on the basis of which it (the party) would enact laws of kufr, should it come to power. It is therefore evident that the Muslim's vote

²⁶ Ibid.

definitely signifies blessing, support and backing for that party and whatever it stands for on the political front. In fact, Hazrat Mufti Shafee' sahib rahmatullahi alaihi states in his tafseer Ma-aariful Quran (vol.2 p.498) that the sin incurred through intercession on behalf of evil is not dependent on the acceptance of such shafa'at or intercession. Even if the intercession was not effective at all, the mere act of voicing support for evil, or displaying willingness to support evil, is a sin in itself. This will not be the case however, should the Muslim have a valid Islamic motive, or pressing need (as defined by the Shariah) to vote for any particular party. We have explained earlier on, in the first section of this booklet, that there does not exist any expediency or exigency for a Muslim to participate in the political processes that are being evolved in this country.

Hazrat Abdullah bin Mas'ud radhiyallahu anhu narrates that Rasoolullah sallallahu alaihi wasallam said: *"Whosoever increases (or adds to) the number of a people, is (regarded as) one of them."*²⁷ According to Allama Badrud- Deen Aini, this hadeeth will even apply to a person who unintentionally or unwittingly enlists himself in a group thereby causing their numbers to swell.²⁸

*O ALLAH! SHOW US THE TRUTH AS IT IS, AND GRANT US THE ABILITY TO FOLLOW IT. AND SHOW US FALSEHOOD AS IT IS, AND GRANT US THE ABILITY TO ABSTAIN FROM IT AAMEEN
YA RABBAL AALAMEEN.*

²⁷ Al-Maqaasidul Hasana of Allama Sagaawi, p.667; Fathul Baari 13:37.

²⁸ Umdatul Qaari of Allama Badrud-Deen Aini rahmatullahi alaihi, 18:188; Fathul Baari 13:38.